Appendix G

Scoping Report

Jones & Stokes

Memorandum

Date: February 5, 2002

To: Interested Parties

From: Austin McInerny and Kostoula Vallianos, Jones & Stokes

Subject: Bel Marin Keys Unit V Wetland Project NEPA/CEQA Scoping Report

Background

The U.S. Army Corps of Engineers, San Francisco District (Corps), in collaboration with the California Coastal Conservancy (Conservancy) and the San Francisco Bay Conservation and Development Commission (BCDC), are seeking to restore wetlands at the Bel Marin Keys Unit V (BMKV) property as an expansion of the Hamilton Wetland Restoration Project (Hamilton Project) at the Hamilton Army Air Field (HAAF).

The Corps is the lead agency for this project under the National Environmental Policy Act (NEPA). The Conservancy is the lead agency for this project under the California Environmental Quality Act (CEQA). A combined Environmental Impact Report/Statement (EIR/S) was prepared for the Hamilton Project in 1998. A combined Supplemental EIR/S (SEIR/S) will be prepared to comply with the requirements of NEPA and CEQA for inclusion of the Bel Marin Keys Unit V to the Hamilton Project.

The 1,610-acre project area historically supported subtidal bay, tidal wetland, and possibly freshwater marsh habitat, but levees constructed to create agricultural land during the 19th century separated the area from the tidal influence of San Pablo Bay. The land was drained and subsequently the elevation of the land behind the levees subsided to below sea level.

The proposed action is expected to include restoration of the majority of the BMKV parcel to wetlands through, at a minimum, site grading, and breaching of one or more of the existing levees separating the site from San Pablo Bay or other adjacent water bodies, such as Novato Creek. The Corps and the Conservancy are currently developing the Conceptual Wetland Restoration Plan for the BMKV parcel, which will identify the general details of the proposed action and potential alternatives for analysis in the SEIR/S. Alternatives to be considered, at a minimum include a no action alternative, a natural sedimentation alternative, and a dredged material placement alternative.

As part of the NEPA/CEQA review process, the project sponsors sought input from interested federal, state, and local agencies, Native American representatives, and other interested private organizations and parties through publication of a Notice of Intent and Notice of Preparation of the SEIR/S in late November 2001. In addition, a public meeting was held at the Marin Humane Society, Novato, CA on December 5, 2001 from 7 to 9 p.m. to solicit input regarding the issues

of concern to the public and the alternatives that should be discussed in the SEIR/S. The public comment period commenced on November 20, 2001 and closed on December 31, 2001.

This report provides a summary of the comments recorded at the public meeting and the written comments received during the comment period.

Scoping Meeting Summary

On December 5, 2001 approximately twenty-five individuals attended a public scoping meeting that was held at the Marin Humane Society. The meeting provided an opportunity for attendees to visit informally with project staff at a number of informational stations that covered the following topics: preliminary alternatives, project planning/objectives, environmental compliance, and community design issues. The stations included a number of graphics that assisted staff in informing the public about the project. Following the informal discussions, staff provided a brief overview of the project purpose and need, the environmental review process timeline, and a description of a number of draft preliminary project alternatives.

The remainder of the meeting allowed attendees the opportunity to provide oral comments regarding issues of concern and the alternatives that should be discussed in the SEIR/S. Comments covered a wide range of issues and many speakers reiterated points that previous individuals had raised. Thus, we have summarized the comments under a number of specific topical areas, which are detailed below.

Flood Control

- Will the buffer area between BMK homes and the restoration site be sufficient to protect homes?

- South lagoon levee needs to be stronger to prevent flooding of Bel Marin Keys Unit IV homes.

- In past years, severe storms have ruptured the levees and the lagoon has filled up very quickly. What will be done to prevent this in the future?

- More upland area is needed to protect existing Bel Marin Keys homes.

- What amount of active management will be required to maintain flood protection?

- How will lagoons be protected from overflow from the project site during a storm?

Public Access

- Proposed trails are too close to the residential neighborhood to provide homes with adequate security and privacy.

- Would there be public access to the site from Bel Marin Boulevard?

- Where would the public park and have access to the site?

- What are impacts of increased public use of the site, particularly related to crime?

- Providing public access via the Hamilton Wetland project is preferred.

- Consider providing an alternative emergency route for the Bel Marin Keys community. The current road is not adequate and the restoration project could prevent other routes from being developed.

- Would the Bay Trail be connected to the site?

- Consider rerouting the trails. Improving and maximizing the habitat value should be the first priority, then the location of trails should be examined.

Novato Creek

- How will sedimentation amounts and the flow of Novato Creek be affected, if the hydrology of the Novato Creek levee is altered?

- Waterway from Hwy 37 to the bay needs to be analyzed to determine if flows will be sufficient to flush Novato Creek. If Pacheco pond is breached, a flushing mechanism for Novato Creek is reduced.

- Navigational potential on Novato Creek will be impacted regardless of which design is chosen. Though there is a potential to improve navigation by dredging the creek.

Wildlife, Plants, and Insects

- How will mosquitoes be handled?

- What will happen to the animals that currently inhabit the area?

Summary of Letters and E-mails Received During the Comment Period

During the public meeting, and as requested on the published Notice of Intent/Notice of Preparation, the public was also encouraged to mail or e-mail written comments to the project sponsors. Because there were repetitive and interrelated topics presented, the summary of comments and issues raised in the correspondence are grouped by topic area.

Wildlife and Habitat

- Explain how the "no habitat loss goal" will be implemented.

- Identify the specific species for which habitat is being designed, and explain how they will benefit from the restoration of these habitat types. How are migratory shorebirds and waterfowl anticipated to use the site? Show and discuss the vegetative plan for the adjacent upland/transition zone, and discuss how they will meet the habitat requirements for native species.

- Is the proportion of upland habitat on the Bel Marin Keys site the same as for the Hamilton restoration project? Is there a biological basis for the 20% upland goal? Where would seasonal wetlands be located and what type of seasonal wetland would be provided? How large a buffer is planned to separate the habitats from adjacent land uses?

- What measures will be implemented to ensure that upland areas may be used by wildlife?

- How will domestic animals and people be kept away from wetlands and wildlife? Buffers are needed along public access trails. Goals of public access and wildlife/habitat protection may be internally inconsistent.

- How will the invasion of red fox be addressed?

- How will the upland provide habitat for wildlife species displaced by the project?

- Suggest adding additional project goal of maximizing wildlife potential on site.

Hydrology, Project Design, Flood Control

- What are the advantages and disadvantages of hydrologically connecting Novato Creek to the project?

- Further analysis is needed to assess all the impacts associated with hydrologically connecting Pacheco Pond to larger restoration project site.

- What is the reasoning for retaining the levee between Bel Marin Keys project site and Hamilton project site?

- Concerned that there must be an adequate upland buffer zone and substantial levee between the existing community and restoration site.

- Effects of breaching Novato Creek must be analyzed through modeling. Concerns about impact of project on "flushing"of BMK lagoons and Novato Creek.

- Very concerned with issues of flood control, water quality, levee stability, navigation and dredging, particularly related to Novato Creek.

- Maintain the 300-acre ponding easement.

- Suggests alternative with levee 1,500 feet outboard of existing perimeter lagoon levee and/or at mid-1800s shoreline.

- Most important issues for BMK community are water depth for boating, water quality for water sports, and flood control. States 300-acre ponding easement should be retained.

- Suggests that only that portion of the site that was tidal in the mid-1800s be restored to wetlands; proposes that a levee be placed along the shoreline that existed in the mid 1800's as described in the Bel Marin Keys Unit V Final EIR/EIS.

- The potential impacts that may occur on existing waterway and flood control facilities on the project site and in the vicinity must be addressed.

- The ability of inner levees to withstand direct tidal action should be analyzed.

- The impact of upstream water surface elevations on the creeks surrounding the project site should be examined.

- Routing the outfall of Pacheco Pond along its original path should be considered.

- North Marin Water District is concerned about the reliability of water supply to Bel Marin Keys area and suggests consideration of the possible extension of a water transmission pipeline from the Ammo Hill water tank at Hamilton Field in an engineered levee across the BMKV site.

Public Access and Trails

- Strongly support Alternative 1 and 3 because of their consistency with the Bay Trail, local plans, and access to Pacheco Pond.

- Suggest the creation of 2 trails. One (North Levee) would follow existing trail on the levee that separates the Unit V property from Bel Marin Keys South Lagoon. The second trail (Hamilton) would run from the parking lot near Pacheco Pond around the westside of Pacheco Pond and join the existing Hamilton Levee trail.

- Hikers, nature "observers," and bicyclists should have access to the trails. Dogs should be kept on leashes.

- Support limited and controlled public access, but concerned with public intrusion on community.

- Recommendations made in the *Hamilton Public Access Bay Trail Plan* should be addressed as they relate to this project.

- Balancing public access and the creation of wetland habitat needs to be addressed. The following topics should be addressed in the SEIR/S access points, design options, structures to obstruct access, and domestic animals.

Policies and Regulatory Compliance

- The project should incorporate mitigation to comply with the requirements of Marin County Code Chapter 22.95

- The project is subject to two drainage agreements and the Marin County Flood Control and Water Conservation District requests the project comply with the agreements.

- The project is exempt from a grading permit but is subject to applicable requirements of County Code Chapters 23 and 24. This will need to be analyzed in the SEIR/S

- Be sure to address the Marin Countywide Plan polices EQ-2.45, EQ-2.49, A-1.6 and EQ-2.58 related to agricultural conservation, flood basin use, and the preparation of an environmental assessment.

Dredged Material

- The Marin County Department of Public Works requests that provisions be made into the project to allow for the disposal of dredge material on an ongoing basis.

- Dredge material from Novato Creek is offered to the Coastal Conservancy in the construction of this project.

- What is expected source and quality of dredge material?

- What are the plans for future and permanent management and ownership of the site?

Other Comments

- How can construction at Hamilton proceed without an approved plan for BMKV?

- Concern about potential for relocated Novato Sanitation District outfall closer to mouth of Novato Creek.

(1)

Post-it® Fax Note 7671	Date 12/21/01 # of pages 3
To Rich Walter	From Gandesbery
Co./Dept. JSA	Co.
Phone #	Phone # 286-7028
Fax # 433-8961	Fax #

Marin Audubon Society Box 59

- December 19, 2001

Tom Gandesbery
State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612

Eric Jolliffe
US Army Corps of Engineers, SF District
333 Market Street, 8th Floor
San Francisco, CA 94105

RE: SCOPING FOR BEL MARIN KEYS UNIT 5

Dear Mr. Jolliffe and Mr. Gandesbery:

The Marin Audubon Society appreciates the opportunity to submit the following scoping comments for the Bel Marin Keys Wetland Restoration Project Supplemental Environmental Impact Report/Statement to the Hamilton Restoration Project EIR/S. We have a long time interest in these parcels having participated in surveys of Hamilton for the USFWS Diked Bayland Survey over a 5 year period and we have opposed development of the BMKV site for 15 years. These large sites are critical and central to restoration of the once extensive tidal marsh system in this important part of the Bay and to the survival of endangered and migratory species that depend on the Bay. For these reasons, we are committed in ensuring that the most effective and beneficial restoration project is designed and constructed on the BMKV site.

The restoration should be designed to replicate, to the extent possible, the historic wetland system, and to ensure that the habitat remains viable to sustain the wildlife it is intended to provide for. In order to implement the project objective "to create and maintain wetland habitats that sustain viable wildlife populations and in particular Bay Area special-status species" the project will need to include the mix of tidal and seasonal wetlands and upland habitats, and locate public access so as to degrade, not intrude into or limit wildlife use of the habitats in any way.

We request that the following issues and questions be addressed in the environmental document:

- The anticipated ownership and management of the site should be discussed. Does the the Conservancy anticipate managing the site for 20 years? Is no federal or state agency willing to take over management before that, even if the construction and initial operation proceed as planned? If not, why? How will the decision on a permanent owner be made?

- Explain how the construction of Hamilton can proceed without an approved plan for BMKV now that inclusion of BMKV is certain?

- One of the stated project objectives is "to ensure no net loss of wetland habitat presently at the BMKV and HAAF sites"? Describe what habitat types are on these sites at present and how it will be assured that no loss of habitat will occur even though most of the diked bayland/seasonal wetland habitat will be returned to tidal action?

- Identify the specific species for which habitat is being designed. What habitat types

do these species need to perform essential life cycle functions. Discuss how the restoration will provide these habitat types. How are migratory shorebirds and waterfowl anticipated to use the site? Discuss how the restoration will provide habitat for Black Rail, Salt Marsh Yellowthroat and San Pablo Song Sparrow?

- Adjacent uplands are an essential component of tidal wetland habitats. They provide refugia habitat for endangered species, nesting habitat for waterfowl, movement corridors, foraging and resting habitat for other bird and mammal species. Is the proportion of upland habitat the same as for the Hamilton restoration? Is there a biological basis for the 20% upland?

- Show and discuss the vegetative plan for the adjacent uplands/transition zone, and discuss how they will meet the habitat requirements for native species.

- Where would seasonal wetlands be located and what type of seasonal wetland would be provided? Describe how high tide roost habitat for shorebirds will be provided.

- Much of the area originally designated as upland on the Hamilton Plan was eventually modified to be some type of seasonal wetland habitat. How will be assured that the uplands will remain uplands and that areas of seasonal wetlands are provided in addition to the uplands?

- In addition to transition zone/refugia habitat, an area of upland is needed to buffer the wildlife using the habitats from adjacent uses, particularly the impacts of people and domestic animals using public access trails. What is the size of the area provided to buffer the habitats, both wetland and adjacent uplands, from these adjacent uses?

- What measures will ensure the wildlife can use the upland for nesting and resting etc? What distance does the SF Habitat Goals Report recommend for buffer areas to protect endangered species and to provide for other species? What vegetation will be planted?

- What other measures (fencing, planting, etc.) will be used to keep people and domestic animals away from the wetlands and wildlife?

- The goal calling for "...public access that is compatible with protection of resource values and regional local public access policies" may be internally inconsistent and therefore impossible to implement. Local public access policies, at least as expressed by some people, are not compatible with protecting wildlife and habitat because the access would intrude into or come too close to the habitats. Because the purpose of the project is to restore habitat, and the funding was provided for this purpose, the habitat functions must take precedent over the desires of some members of the public to be at a distance from the habitat that would cause disturbance and adverse impacts to wildlife.

- We question the project objective that buffers be included "...particularly adjacent to residential areas, so that wildlife will not be impacted by adjacent land uses." While we agree that buffers area needed adjacent to residential areas, they are also critically needed along public access trails where people and dogs could go off trails and into the habitats.

- Address how the potential for erosion of levees and upland edges will be controlled or eliminated? How will potential erosion from wave fetch be addressed?

- How will the potential for invasion by red fox be addressed?

- What is the anticipated source of the dredged material? Discuss the quality of the dredged material and how it will be assured the material is clean enough for wetland habitat?

- What wildlife species would be displaced by the restoration project? Explain how the upland habitat design will provide for these species.

- What are the advantages/disadvantages of hydrologically connecting to Novato Creek? Would a connection or removal of the levee be more or less likely to contribute to the scouring of Novato Creek?

- We have major problems with establishing a hydrologic connection linking the restoration with Pacheco Pond because of the significant impacts to the habitat functions and values provided by Pacheco Pond. Connecting to this habitat would extend tidal marsh and result in the loss of the current habitat. Pacheco Pond habitat would not be provided by a restored tidal but is complimentary to tidal marsh habitat. Furthermore, it was created as mitigation for loss of shallow riparian habitat which was destroyed by construction of the Ignacio Business Park. As reflected in the surveys we conducted for the USFWS Diked Bayland Study, the brackish-fresh pond waters are well used by diving birds, shorebirds and other migratory species. Introducing tidal waters to this pond would also impact riparian habitat and fresh water marsh habitats for some unknown distance extending along Pacheco Creek to the Humane Society. For further consideration of this alternative, a thorough analysis of potential impacts should be required. This must include a recent survey of wildlife use during all seasons and a hydrologic analysis of upstream impacts, how far the salt water would extend resulting in habitat modifications would extend, should be conducted.

- An alternative using treated wastewater is being considered. We have several problems with such an alternative: the potential extent of the management that would be required and the impact of creating an unnatural habitat type that never existed in this area. What are the envisioned benefits for wildlife of such a system, and the potential adverse impacts and costs? It would appear to remove habitat for native endangered species. Discuss the potential management problems such as how would the growth of aquatic vegetation be controlled?

- Why is retaining the levee between BMKV and Hamilton being considered? How else would the BMKV restoration be connected with the Hamilton restoration than by breaching or eliminating the levee between the two sites. Retaining a levee between the two would have several potential adverse impacts including fragmentation of marsh habitats, pathway for red fox and other non-native animals into the marsh habitat, pathway for people.

Thank you for responding to our questions.

Sincerely,

Barbara Salzman
Conservation Committee

(2)

Bel Marin Keys **Community Services District**

December 20, 2001

Tom Gandesbery, California State Coastal Conservancy
1330 Broadway, 11th Floor, Oakland, CA 94612

Eric Jolliffe, U.S. Army Corps of Engineers, S.F. District
333 Market Street, 8th Floor, San Francisco, CA 94105

Gentlemen:

We have received the Notice of Intent / Notice of Preparation of supplemental NEPA / CEQA documentation for the Bel Marin Keys Unit 5 Wetland Restoration Project. We appreciate the opportunity to comment on the project's goals and objectives, as well as the alternative restoration approaches and environmental issues of concern identified in the NOI / NOP. Our comments are also based on the presentation and discussion at the Public Scoping Meeting of 5 December 2001.

Through the efforts of our Planning Advisory Board and its Baylands Management Committee, Bel Marin Keys (BMK) has actively participated with the California State Coastal Conservancy (SCC) and its consultants, the Bay Conservation and Development Commission (BCDC) and the U.S.Army Corps of Engineers (COE), in developing many of the project's objectives and identifying issues of concern. Responsible planning and execution, enhanced through short and long term management plans which integrate the needs of BMK and neighboring stakeholders, are key to the success of this project.

The BMK Planning Advisory Board (PAB) and Community Services District (CSD) endorse the Project Goal and its stated Objectives. In particular, we support the beneficial use of dredge spoils to realize this intent, and hope that our community can work together with the COE and SCC in this process by providing dredge material through our current and future dredging projects. Comments and concerns pertaining to the other Project Objectives are as follows:

* As a residential waterfront community directly adjacent to the project development, BMK has concerns that there be an adequate upland buffer zone between our community and the restoration habitat created for threatened and endangered species, as well as substantial and appropriately located levees for the protection of the infrastructure, flood control and maintenance of the community. The Restoration Project site's potential inclusion in a proposed Marin Baylands Wildlife Refuge increases the need for adequate upland buffer separation between the properties..

We support the objective of limited and controlled public access to the project site, and believe that it offers significant opportunities for public education and recreation. Due to BMK's proximity to the upland portion of

4 MONTEGO KEY NOVATO CALIFORNIA 94949 415-883-4222 FAX 415-883-3683

the site, however, we are concerned about the possibility of public intrusion into our property. We request that consideration of public access be studied and assessed as to its impacts on the BMK community, as well as on the wildlife habitat.

The three Alternative Restoration Approaches given in the NOI / NOP appear reasonable for purposes of comparitive analysis. It is important to note, however, that any connection of the project site to Novato Creek or Pacheco Pond through breaches in the existing levees or culverts, will have substantial implications for the maintenance and security of our community.

* Breaching the south levee, or other alterations to Novato Creek, would radically alter its hydrology. The Creek is used for boating / navigation as well as flood control and flushing of the BMK lagoons to maintain water quality. The effects of this action must be determined through conduct of hydrologic studies of the lower reaches of the Creek, and 3D modelling from a number of perspectives which assess all possible impacts to the Creek's watershed, and the probabilities of their occurrence.

We concur with the Environmental Issues of Concern stated in the NOI / NOP. While being sensitive to the issues involving adequate diversity of wildlife and enhancement of endangered species habitat, we in BMK are equally concerned with the issues of flood protection, water quality, levee stability, and navigation and dredging. We request that the environmental documentation address and provide solutions for all impacts of the project design, including the following specific issues:

* Flood control for BMK involves maintaining protection from tidal action in San Pablo Bay and overflow from Novato Creek, and providing a reliable means of discharging flood waters from our lagoons to an adjacent holding basin during winter storms which are concurrent with high tides. A 300 acre ponding easement which has been dedicated on the BMK 5 site must be maintained for our exclusive use in any future development. Discharge from the lagoons must be accomplished through installation of engineered culverts and / or spillways. Pumping is not an acceptable alternative, and does not satisfy the Project Objective of "...little active management."

* The water quality in BMK lagoons and Novato Creek is dependent on many factors including the proportion of fresh to salt water, water temperature, silt content, concentration of pollutants, and our ability to thoroughly flush the lagoons. Flushing is currently inhibited, however, by the buildup of sediments in Novato Creek, particularly near Marker 25.

* Through two navigational locks, all properties in BMK have direct water access to San Pablo Bay via Novato creek, and continuous navigational access is critical to the sustained economic viability of the community. As noted above, any proposed construction resulting in changes to the Creek,s hydrology must be studied thoroughly in the NEPA / CEQA documents and mitigated through the project design. We note that one of the proposed relocation routes for the Novato Sanitary District's outfall pipeline would discharge treated effluent near the mouth of Novato Creek. This option should be carefully studied for its potential impacts on the hydrology and water quality in the area, including upstream effects.

The three preliminary Project Design Alternatives reviewed at the Public Scoping Meeting on 5 December were very similar in most respects and, as stated at the meeting, will require further development. There were several community concerns expressed there which, we believe, warrant further review and modification of the designs presented.

* To provide the desired upland buffer zone separating human and wildlife / endangered species habitat, as well as maintain the required 300 acre flood ponding area, we propose construction of a separate new levee to contain San Pablo Bay. It would be located approximately 1,500 feet outboard of the existing perimeter lagoon levee, as shown on Figure 1, attached. If it is also desired to accommodate the overflow from Pacheco Pond during high water events, the new levee could be constructed along the "Mid-1800s" shoreline shown on Figure 1. Modelling would be required to determine if this approach would result in a negative impact on the BMK ponding area.

* This concept would improve the alternative plans' compliance with local agency regulations and policies, facilitate flood control for the City of Novato, enhance diversity of wildlife habitat, preserve and expand existing fresh water seasonal wetlands, provide a wetland area equivalent to that of the mid-1800s, and mitigate some of the BMK concerns noted in the foregoing paragraphs.

Due to the size, complexity and extended time frame needed to accomplish the Restoration Project, we request that a long term assessment program, including a comprehensive environmental / biological monitoring plan, be developed. This plan should involve the detailed monitoring of water quality and hydrology for the areas and waters impacted by the project.

Lastly, we understand that the selected Restoration Plan will be analyzed in the SEIS / SEIR for compliance with applicable portions of the Marin Countywide Plan (CWP), as well as the applicable policies of other concerned jurisdictions, such as the BCDC and the City of Novato. We also understand that the NEPA / CEQA effort will include a review of previous environmental documentation prepared for the site, including the earlier Environmental Assessment (EA) of the site and the EIR / EIS for BMK Unit 5. We request that, per CWP Policy EQ-2.49, should the EA require updating due to its age, BMK be permitted to review the document.

Thank you again for the opportunity to participate in the planning for this unique and exciting project.

Sincerely,

Shirley Graves, President
Bel Marin Keys Board of Directors

Robert Forsyth, Chairman
Bel Marin Keys Planning Advisory Board

Attachment - Figure 1

Copy to: Marin County Board of Supervisors
Marin County Planning Commission
Bay Conservation and Development Commission

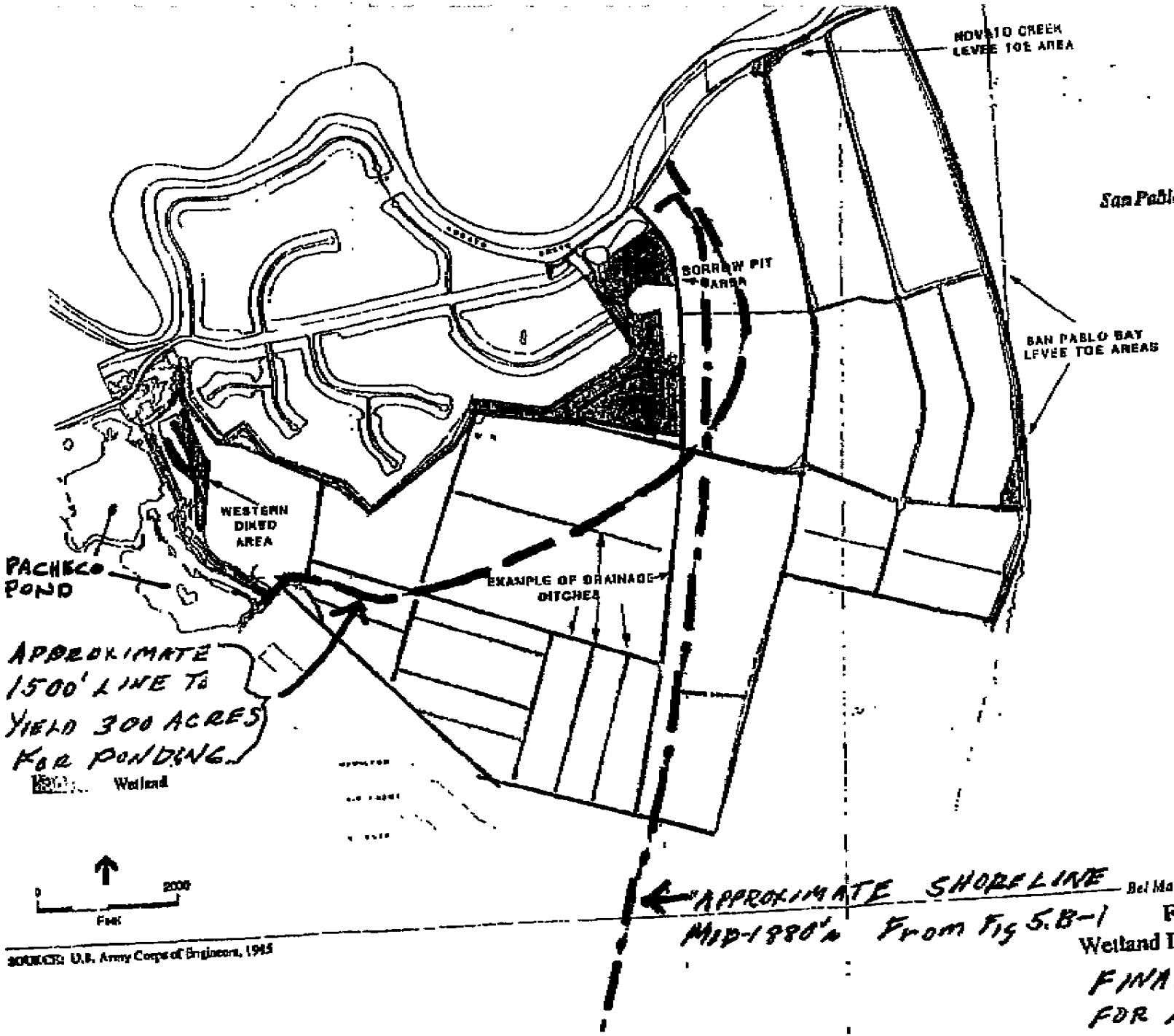


FIGURE 1

"APPROXIMATE SHORELINE" Bel Marin Keys / 91-187 ■
MID-1880's From Fig 5.B-1

Figure 2.A-10
Wetland Determination
FINAL EIR
FOR BAK 5

(3)

ROBERT A. FARNHAM
11 DOLPHIN ISLE
BEL MARIN KEYS, CA 94949-5391 TEL/FAX 415-883-2328

December 18, 2001

TOM GANDESBERY
CALIFORNIA COASTAL CONSERVANCY
1330 BROADWAY, 11th FLOOR
OAKLAND, CA 94612-2530

ERIC JOLLIFFE
U.S. ARMY CORPS OF ENGINEERS
SAN FRANCISCO DISTRICT
333 MARKET ST., 8th FLOOR
SAN FRANCISCO, CA 94105

Gentlemen:

Thank you for the opportunity to respond to the NOI/NOP for the Bel Marin Keys (BMK) Unit 5 Restoration Project. I also want to thank you and express my appreciation for the open and cooperative Scoping Meeting on December 5, 2001.

I am in agreement with the goals as stated in the NOI/NOP, but as I stated in the meeting, there should be an additional goal to maximize the wildlife habitat potential of the site.

Since the meeting I have had time to review the Marin Countywide Plan (CWP) and the Final BMK UNIT 5 EIR/EIS (FRIR/EIS). There are several relevant CWP Policies that must be addressed.

FIRST, UNDER "LAND USE IN THE BAY FRONT CONSEVATION ZONE".

> POLICY EQ-2.45 GRANTS AGRICULTURE USE AND FLOOD BASIN (USE) EQUAL STATUS WITH RESTORATION TO TIDAL STATUS.
>
> POLICY EQ-2.49, MANDATES PREPARATION OF AN ENVIRONMENTAL ASSESSMENT (EA) PRIOR TO DEVELOPMENT. THE EA BECOMES PART OF THE EIR.

SECOND, UNDER "AGRICULTURAL LANDS IN THE BAYFRONT CONSERVATION ZONE" (BFC).

> POLICY A-1.6, STATES, "RECOGMIZING THAT AGRICULTURE LAND IS A NON-RENEWABLE RESOURCE, THE COUNTY WILL, TO THE EXTENT FEASIBLE AND LEGAL, PRESERVE PRODUCTIVE AGRICULTURE LAND IN THE BFC IN THE CITY-CENTERED CORRIDOR.
>
> POLICY EQ-2.58 STATES, "THE COUNTY SHALL PROTECT EXISTING AGRICULTURE LANDS IN THE BFC", AND LISTS REASONS FOR THEIR IMPORTANCE.

Probably the most important issues for the BMK community involve water. Water depth for boating, water quality for water sports and water containment and release to prevent flooding.

I will only address the water release concerns since they must, and can, be solved by retaining land now in agriculture. County Flood Control Regulations for F-2 Zones (most of the Unit 5 site) require retaining 3 acres of ponding for each acre developed.

When Unit 4 was developed, a 300-acre ponding easement was recorded on the Unit 5 site. During winter storms concurrent with high tides, BMK can not release flood water to the creek. Water is released through a culvert to the Unit 5 site. The 300-acre ponding must be retained for BMK exclusive use under any future project plan.

In addition to the above restriction, the regulations will only permit restoring about 320 acres of the remainder of the site to tidal wetlands without flood control improvements.

It was agreed at the scoping meeting that modifications of the alternative designs may be necessary and would be considered. I would propose that only that portion of the site that was tidal in the Mid-1800's be restored to wetlands.

The attached Figure 1 is from the FEIR/EIS. On this Figure there are two dashed lines. One line shows the location of a new levee that would provide BMK with the 300-Acre ponding area. The second line shows the location of a new levee located along the shoreline that existed in the mid-1800's. The location of this line is shown on Figure 5.B-1 of the FEIR/EIS.

Placing the levee at the shoreline location would:

1. Provide the BMK 300-acres ponding requirement plus adequate ponding for Pacheco Pond overflow during highwater events. This would need to be confirmed.
2. Preserve existing fresh-water marsh in the borrow pit area.
3. Relieve enough flood water from the creek via Pacheco Pond overflow to satisfy the Flood Control Regulations to release the additional Unit 5 site area necessary for tidal restoration up to the mid-1800's shoreline.
4. Allow economic agriculture in the summer (see Policy A-6, Consistency Analysis, pg 4.16 of FEIR/EIS.) to satisfy the CWP. (A-1.6 & EQ-2.58)
5. Provide an expanded diversity of habitat to satisfy the CWP. (EQ-2.58)
6. Provide flood control for the City of Novato.
7. Provide agriculture to meet BCDC Policy 1, pg 6 and Policy 2, pg 4 of BCDC Diked Historic Baylands of S.F. Bay.
8. Provide wetlands area equivalent to the mid-1800's.

This proposed design should be used as a sub-case of the Alternative Restoration Approaches - Restoration of Wetlands Using Dredge Material.

Thank you again for your cooperation.

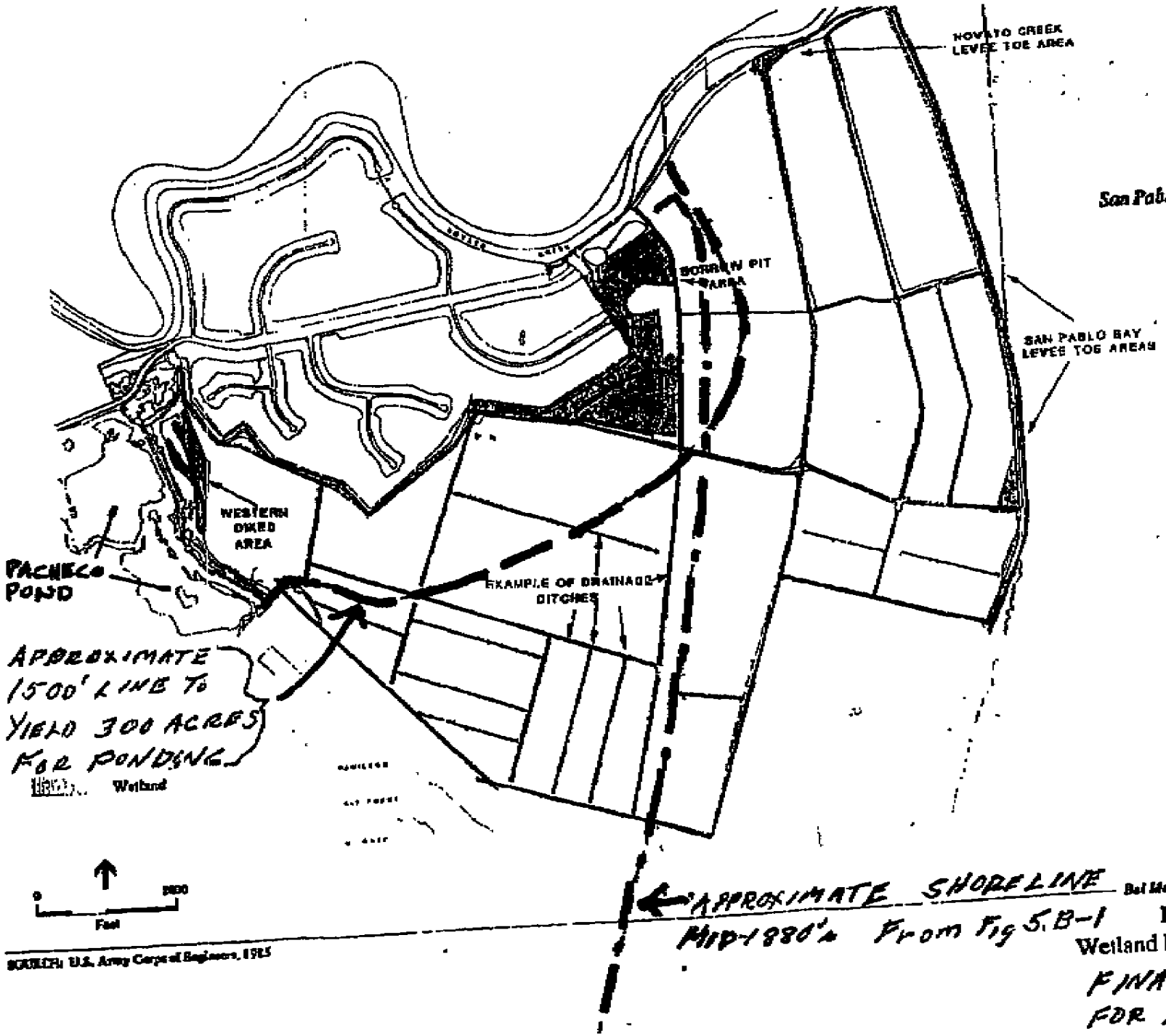
Sincerely yours,

RA Farnham

Robert A. Farnham

attached: Figure 1.

cc: Marin County Board of Supervisors
Marin County Community Development Department
Marin County Public Works Department



Bel Marin Keys 191-187 ■

Figure 2.A-10
Wetland Determination

FIGURE 4.

FINAL EIR
FOR BMK 5

4

From: "Laura Thompson" <LauraT@abag.ca.gov>
To: <belmarinkeys@jsanet.com>
Date: Fri, Dec 28, 2001 3:16 PM
Subject: Bel Marin Keys Unit V / Conceptual Plan Comments

Bel Marin Keys Project Team:

I am writing to submit comments on behalf of the San Francisco Bay Trail Project for the conceptual Bel Marin Keys Unit V Plan presented to the public on December 5, 2001. The Bay Trail Project is a nonprofit organization administered by the Association of Bay Area Governments (ABAG) that plans, promotes and advocates for implementation of a continuous multi-use trail along the perimeter of San Francisco and San Pablo Bays.

At the public meeting, three conceptual plans were presented. All plans showed northern extension of the Bay Trail from the existing Hamilton levee.

The Bay Trail Project is pleased to see these trail alignment alternatives incorporated into the early design stages of the project. We are in strong support of Alternative #1 (trail along the eastern edge of an expanded Pacheco Pond and a spur alignment extending east along the new levee) and Alternative #3 (trail along the eastern edge of an expanded Pacheco Pond) for the following reasons:

(1) This alignment is similar to the current adopted alignment shown in the Bay Trail Plan (1989) and the City of Novato's General Plan providing continuous trail and shoreline access through the City of Novato.

(2) The alignment is consistent with the overall wetland restoration project objective of providing public access that meets the needs of regional and local plans.

(3) Extending the trail along the eastern edge of Pacheco Pond is preferable to the route along the western edge of Pacheco Pond. The eastern route incorporated as part of the restoration project will provide trail users with a natural experience and an opportunity to enjoy the publicly-funded wetland restoration project.

(4) The project site, combined with the Hamilton Airfield restoration, allows for even greater acreage of upland habitats, thus providing a better environment for wetland species and more opportunities to incorporate public access into the project without impacting sensitive species.

Thank you for the opportunity to comment on this expanded wetland restoration project. We look forward to continued participation in the planning process.

Laura Thompson
Bay Trail Planner
Association of Bay Area Governments
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e-mail: laurat@abag.ca.gov

(5)

NORTH MARIN WATER DISTRICT

999 RUSH CREEK PLACE • POST OFFICE BOX 146 • NOVATO, CALIFORNIA 94948 • (415) 897-4133 • FAX (415) 892-8043

November 30, 2001

Mr. Tom Gandesbery
California Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

Mr. Eric Jolliffe
U.S. Army Corps of Engineers
San Francisco District
333 Market St., 8thFloor
San Francisco, CA 94105

RE: Notice of Intent/Notice of Preparation
Bel Marin Keys Unit V Wetland Restoration Project – Supplemental Environmental Impact Report/Statement (SEIR/S) to the Hamilton Wetland Restoration Project EIR/S
NMWD File – Wetlands

Dear Messrs Gandesbery & Jolliffe:

The purpose of this letter is to comment on the above referenced Notice of Intent/Notice of Preparation. The District is concerned about the reliability of water supply to the Bel Marin Keys (BMK) area and when planning for the recent development at Hamilton Field identified an opportunity to extend a water transmission pipeline from the Ammo Hill water tank at Hamilton Field, crossing the runway parcel and the previously proposed BMK Unit V development to the existing BMK residential area.

We continue to believe that extension of this transmission pipeline is important for water supply reliability to the BMK area, especially for health and safety purposes under emergency conditions. This transmission pipeline extension would need to be constructed in an engineered levee at an elevation above any inundation from proposed wetlands, to maintain service and access. Easements along the transmission pipeline route enabling the District to install, maintain, operate and replace the transmission main would be required.

Sincerely,

Drew McIntyre
Chief Engineer

cc: Steve Wallace, City Engineer
City of Novato
901 Sherman Ave.
Novato, CA 94945

Supervisor Cynthia Murray, Fifth District
Marin County Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Tom Selfridge, General Manager/Engineer
Novato Sanitary District
500 Davidson Street
Novato, CA 94945

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From: <Campcohen@aol.com>
To: <belmarinkeys@jsanet.com>
Date: Fri, Dec 28, 2001 12:31 AM
Subject: For Tom Gandesbery: Comments on Trails for BMK V Restoration

At the December 5, 2001 Scoping Meeting, you asked for comments/suggestions about the nature of possible trails/access through the restored wetlands area.

The following suggestions come from me and my wife. We are ~8 yr residents of BMK, and my wife has for several years run 2 weekly hiking groups, which hike ~50% in Marin, the rest of the time around the bay. I tend to bike more than hike. Since the December meeting, we have hiked or biked on all the existing trails in the Unit V area to have current information to base our comments on.

In our mind(s), there is a pretty obvious set of trails that would provide access and observation, without damaging, as we see it, the wildlife habitat, and fitting with the existing and planned infrastructure.

We suggest 2 trails, North Levee, and Hamilton. The North Levee trail would follow the existing trail just south of the BMK S. Lagoon, on the levee that separates the Unit V property from the BMK S. Lagoon. The existing trail along this levee would be adequate in form. If the levee were increased to the 300' width mentioned on 12/5, the trail should run along the Restoration side, to provide the best views, access for maintenance, and decrease "leakage" of visitors into the BMK areas.

The existing trail becomes impassible near the South Lock, ~1.4 miles from the trail start at Headquarters Hill. Farm roads allow you to get to the bay levee, but they will be flooded by the project. I think it would be extremely valuable to extend this trail along the levee on the south side of Novato Creek, east of the lock, as far as that levee goes, and to the bay levee if possible. The combined views of creek, wetlands, and bay will not only be impressive, but will provide visitors with a unique, direct view of how this ecosystem works.

If the levee on the south side of the creek is breached to provide for improved flow, that would obviously limit the extent of the trail, but it should obviously extend as far as possible. (Many of us at the 12/5 meeting were skeptical that the creek levee breach was desirable, but that's another issue.) If possible this trail should run along the top of the levee, along the bay, down to the northmost bay levee breach.

The North Levee trail and the Hamilton trail, could both originate at a parking lot near the existing Pacheco Pond lot.

The Hamilton trail should run from this lot around the west side of Pacheco Pond, and join with the existing Hamilton Levee trail. The existing "trail" is unappealing, but would be much improved by having a wetlands area, instead of abandoned runways, at its base. The existing trail should also be extended to the southeast about another half mile, to meet the existing levee-top trail coming north from the Las Gallinas Sanitary plant.

There are already existing parking lots at Las Gallinas and at the south end of the existing Hamilton Levee that would provide easy access.

The trail would provide a continuous "hike" from the east end of Novato Creek to Terra Linda of ~7 miles free of traffic, and could be integrated with other bay trail networks. It would use either existing levees, or levees that need to be built anyway for the restoration; the only extra cost would be to smooth and gravel the levee tops.

Trail use should clearly be for hikers, nature "observers", and bikers. Although dogs may make some problems, as someone said at the meeting, NOT having dogs would make bigger problems. Las Gallinas requires use of leashes limited to 8' long. Motorized scooters, trail motorcycles, etc., should be excluded. Horses only if wearing diapers.

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MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

December 31, 2001

Tom Gandesbery
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612

Eric Jolliffe
U.S. Army Corps of Engineers, San Francisco District
333 Market St., 8th Floor
San Francisco, CA 94105

SUBJECT: Comments on Notice of Intent/Notice of Preparation for Bel Marin Keys Unit V Wetland Restoration Project

Dear Messrs. Gandesbery and Jolliffe:

Thank you for providing Marin County with the opportunity to comment on the NOI/NOP for Bel Marin Keys Unit V (BMKV) Wetland Restoration Project. The County of Marin is supportive of the prospect of restoring wetlands habitat in this area as it provides an opportunity to expand upon the existing wetlands habitat restoration being undertaken at Hamilton Field (HAAF).

We ask that the following issues be addressed as part of your project development and environmental analysis:

1. In evaluation of various scenarios, potential impacts that may occur on existing waterways and flood control facilities on the project site and in the immediate vicinity (including, but not limited to Pacheco Pond, Novato Creek, and the Bel Marin Keys lagoons) need to be addressed.

2. Alignment of the Bay Trail is currently under discussion as it relates to the HAAF wetlands project and the area to the north, some of which falls within the BMKV project area. The 1994 Marin Countywide Plan contains policies related to, and delineates a Bay Trail segment through the project area. A planning team met on several occasions, including representatives from both of your agencies, to discuss alternative alignments that are not reflected in current adopted plans. While there has been concurrence by the team involved in that effort to move the trail alignment to the western edge of the HAAF runway along the New Hamilton Partnership levee, there has not been consensus on a suitable connection between the northwestern end of the runway at Ammo Hill and Bel Marin Keys Blvd. One option under discussion is routing the trail along the southern and eastern sides of Pacheco Pond to connect with Bel Marin Keys Blvd. at Headquarters Hill. Recommendations made in the Hamilton Public Access Bay Trail Plan, dated March 22, 2001, should be addressed in the supplemental EIR/S as they relate to this project.

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3. The balance between sufficient public access and creation of a viable wetlands habitat needs to be addressed in detail, including where access points would be. The Bay Trail planning effort revealed a number of issues related to number of access points, design options, and structures to preclude access to certain areas by the public as well as dogs and cats which should be considered in your analysis.

We are excited about the prospect of rehabilitation of wetlands in the project area, especially in conjunction with the effort currently underway at Hamilton. Please include me on notification list at the address above. If you have any questions or comments, please contact me at this office.

Sincerely,

DAN DAWSON
Senior Planner

c: Tim Haddad, Environmental Coordinator

(F)

DEPARTMENT OF PUBLIC WORKS

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Mehdi Madjd-Sadjadi, P. E.
Director

December 28, 2001

Tom Gandesbery
California Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

Eric Jolliffe
U.S. Army Corps of Engineers
San Francisco District
333 Market Street, 8th Floor
San Francisco, CA 94105

Subject: Bel Marin Keys Unit V Wetland Restoration Project
Notice of Intent/Notice of Preparation

Dear Mr. Gandesbery and Jolliffe:

Thank you for the opportunity to provide input on this project. We have the following concerns:

- Once the outer levees are breached, the inner levees will be subject to direct tidal action. The inner levees were constructed long ago by means and materials unknown. Thus, their ability to withstand direct tidal action should be analyzed.
- The impact of the project on upstream water surface elevations on San Jose, Pacheco and Novato Creeks should be analyzed.
- The idea of routing the outfall of Pacheco Pond through the project along its original path should be analyzed.
- The District has a need for ongoing disposal of dredge spoils. We request that provisions be incorporated into the project for the District to dispose of material on an ongoing basis.
- The property was zoned F-2 in Marin County Ordinance No. 2001. We request the project incorporate mitigation to comply with the requirements in Marin County Code Chapter 22.95.
- The property is subject to two drainage agreements, filed in Book 3717, Page 183 and as Document No. 87-35671. We request the proposed project comply with the agreements. Should the proponent determine that a modification to either agreement is desired, please submit a request to the District in writing with appropriate backup documentation for consideration. Any modification to an agreement must be approved

by the Marin County Flood Control and Water Conservation District Board of Supervisors, after a recommendation on the matter has been rendered by the Flood Zone No. 1 Advisory Board.

- The District dredges Novato Creek in the vicinity of U.S. 101 approximately every four years. We offer this material to the Coastal Conservancy for use in constructing the project.
- The project would be exempt from a grading permit issued by Marin County Public Works under Marin County Code Section 23.08.030(2)(a). We request that the project incorporate the applicable requirements of Chapter 23 and 24, particularly for erosion and dust control.

Should you have any questions, please contact Pat Balderama at (415) 499-6549.

Very Truly Yours,

MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Craig Tackabery
Senior Civil Engineer

c: Pat Balderama
Tim Haddad, CDA

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